

where “||” represents an allyl group (column 2, line 12), or of the more limited formula (II): L Ru (Z)₂, where L is still a **diphosphino** group bonded together via a hydrogen carbon bridge and Z as the allyl group is the methallyl group = “Met” = H₂C-C(CH₃)=CH₂ (see column 7, line 14, and column 2, lines 20-22 for the meaning of “Met”; and also see claim 13).

In contrast to Genet et al., the process of the present invention uses **five-coordinated** ruthenium based catalysts, where the ruthenium is coordinated with a **monophosphine** and a bidentate P-N-ligand; also see page 2, the third full paragraph of the present specification.

There is no teaching or even suggestion in Genet et al. of other types of ruthenium complexes with regard to both ligands and/or coordination types.

The Examiner states that given the hydrogenation of aryl ketone substrates taught by the reference, hydrogenation of the claimed substrates (referring to claim 32 of the present application) would be within the purview of those of ordinary skill.

However, the ketones, as the substrates to be hydrogenated in Genet et al., are selected from those containing carboxylic acid groups [-C(O)-OH], carboxylate groups [-C(O)O-], and carboxamide groups [-C(O)NH-] (see column 2, lines 25-32), and thus have functional groups near the C=O group. See the whole Example section and also claims 9 to 12 of the Genet et al. reference; and note especially claim 9, which is directed to alpha- and beta-ketoesters as ketone substrates.

In sharp contrast thereto, and referring to claim 32 of the present application, the instant hydrogenation process is particularly suitable for relatively simple ketones, which are understood as ketones which have no functional groups in the relative vicinity of the carbonyl group (see the last two sentences of the second paragraph on page 1 of the specification). Note that especially alpha- and beta-ketoesters are mentioned among those not being considered as simple ketones.

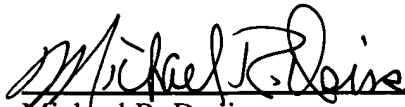
In addition, the instant examples in the specification show that the enantiomeric excess which can be achieved with the instant process is in general much higher compared to the results from the process according to Genet et al.

For these reasons, Applicants take the position that the presently claimed invention is clearly patentable over the Genet et al. reference.

Therefore, in view of the foregoing remarks, it is submitted that the ground of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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